ALEXANDER
O

No. 80-1819

In the
Supreme Court of the United States

October Term 1980

SWISSVALE AREA SCHOOL DISTRICT, CHURCHILL AREA SCHOOL DISTRICT, TURTLE CREEK AREA SCHOOL DISTRICT, and EDGEWOOD SCHOOL DISTRICT,

Petitioners

v.

DOROTHY HOOTS, individually and as mother of her children JANELLE HOOTS and JAMES HOOTS; MRS. ADDRALLACE KNIGHT, individually and as mother and natural guardian of her children RONALD KNIGHT, LORETTA KNIGHT, TERRANCE KNIGHT, MARC KNIGHT and BYRON KNIGHT; BARBARA SMITH, individually and as mother and natural guardian of her children TAWANDA SMITH, TEVELA SMITH, JOSEPH SMITH, WESLEY SMITH AND ERIC SMITH; on behalf of themselves and all other similarly situated,

Respondents.

Brief In Opposition To The Grant Of A Writ Of Certiorari To The United States Court Of Appeals For The Third Circuit

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STATEMENT OF THE CASE

For purposes of this Response only General Braddock Area School District,[1] hereinafter GBASD, will accept the Statement of the Case as set forth in Petitioners' Statement of the Case.

REASONS FOR DENYING THE WRIT

Since The Last Date Of The Last Order In The Appendix To The Within Petition The United States District Court For The Western District Of Pennsylvania Has Entered An Order Creating A Consolidated School District Composed Of Five Former School Districts As A Remedy In The Within Matter Based Upon Evidence Taken By The Court On April 20 And April 21, 1981, As Well As All Prior Testimony And Exhibits Presented To The Court Thereby Rendering The Issues Raised In The Said Petition Moot.

The two questions raised by Petitioners relate to the Court of Appeals determination that an Order denying relief for the eighth school year since the violation was found was appealable and directing that the district court act to determine and order the implementation of a remedy within 90 days.

On April 28, 1981, as supplemented on May 6, 1981, the United States District Court for the Western District of Pennsylvania, ordered a remedy for the *de jure* segregation it found in 1973. The remedy arrived at consisted of the consolidation of five school districts into one single district, including the within respondent, GBASD. The Court had previously, in its orders of March 5, 1981 and April 6, 1981, decided that the remedy could involve seven school districts, including the within respondent GBASD. Two school districts were removed

[1] Although not noted in the List of Parties on Page ii of the Petition, General Braddock Area School District was added as a party in 1979, being designated a Defendant-Intervenor.

from the Court's consideration of a remedy at the completion of testimony on April 21, 1981, the final remedy being the consolidation of the within respondent GBASD with the school districts of Swissvale Area School District, Churchill Area School District, Turtle Creek Area School District and Edgewood School District, Petitioners herein.

It is respectfully suggested that the within issues are now moot.

The District Court entered a final Order on April 28, 1981, as previously indicated. The Order of the United States Court of Appeals for the Third Circuit directing the District Court to make certain findings and rulings within 90 days has been complied with and the actions of the District Court in determining and ordering the implementation of remedy render the issues raised in the Petition moot.

Furthermore, the Petitioners have filed appeals to the Court of Appeals[2] from the Order of the District Court entered on April 28, 1981 and may therefore raise issues as to the merits of the remedy in these appeals.

CONCLUSION

For the foregoing reasons the Petition for Writ of Certiorari should be denied.

Respectfully submitted,

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[2] These appeals are now pending before the United States Court of Appeals for the Third Circuit at Nos. 81-1691-1695, inclusive.